

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:04CV120-1-V

TERRY DARRELL LEFEVERS,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before this Court upon Petitioner's Motion for Leave of Court to Conduct Discovery, filed December 29, 2005.

In his Motion for Discovery Petitioner requests that, pursuant to Rule 6 of the Rules Governing Section 2255 Cases in the United States District Courts, this Court grant him leave to conduct discovery. Petitioner states that his counsel in the instant case has interviewed an inmate who has a very similar conflict of interest claim pending before this Court involving the same defense attorney and district attorney. In addition, Petitioner asserts that many of the documents dealing with this issue in the inmate's case are sealed. In light of this information, Petitioner requests that the Court allow him to serve the following interrogatory on the Government:

Identify each and every person that you believe has information or knowledge indicating that Herbert Pearce has directed any of his clients or other persons to not provide investigating officials with information indicating that David Flaherty, former District Attorney of Caldwell County, had engaged in criminal behavior.

Petitioner also requests that the Court allow him to submit the following request for production of documents to the Government:

You are requested to produce any documents in your possession that contain any information tending to indicate that Attorney Herbert Pearce has directed clients not to provide information to investigating authorities which might incriminate former District Attorney David Flaherty.

The Court finds that Petitioner has established good cause why these discovery requests should be granted.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion for Leave of Court to Conduct Discovery is **GRANTED**;
2. The parties must inform the Court within 45 days of the filing of this Order as to the status of this case.

Signed: January 9, 2007



Richard L. Voorhees
United States District Judge

